



**Michigan Association  
of  
Gamebird Breeders & Hunting Preserves**

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Jim Trinklein - President

Non-Profit 501C (4)

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October 5, 2005

Members of the House Committee on Tax Policy;

Members of Michigan Association of Gamebird Breeders and Hunting Preserves support House Bill 4468 to clarify that game bird hunting preserves are agricultural property in the General Property Tax Act.

Michigan game bird hunting preserves are preserving and improving habitat on over 60,000 acres of open space and farmland. Nearly all of these 60,000 acres are presently being taxed as agricultural property. This proposed legislation would have little if any lost of revenue to the State of Michigan. What it will do, is clarify game bird hunting preserves are agricultural to local and state property tax authorities. And stop the hardship imposed on a few of our members every year by their local taxing authorities that don't understand our means of harvesting. This error can generally be corrected by providing documents that show we are agricultural to that individual authority. But, because the Property Tax Act is not clear on game bird preserves, the day may come that some or all of us could be taxed at the commercial rate. This would be a tax burden that would raise the cost of doing business so high that the average hunter could not afford preserve hunting. Thus driving most, if not all of us out of business. An income not only lost by the preserve operators, bird producers and their employees. But also an income lost directly by the farming community. Many of our members are traditional farmers trying to survive by operating a hunting preserve on their farmland. Other farmers lease their land to preserve operators giving the farm family an added income. .

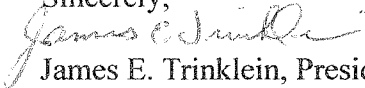
We have provided you with a copy of the Michigan Court of Appeals decision in the Milan Township vs. Lyle Jaworski and Sexy Pheasant Farm Game Bird & Dog Training Preserve #240444. The Appellant Court clearly defines game bird hunting preserve as an agricultural practice that is covered under The Right to Farm Act. The Plaintiffs appeal to the Michigan Supreme Court was denied. You have also been provided with a copy of the Michigan Commission of Agriculture's Resolution stating gamebird hunting preserves are an agricultural activity and value added farm opportunity.

Although the entire Appellant Court's decision states game bird hunting preserve are agricultural, for the sake of time and productivity, I will only point out a couple things in that decision. Page five: The breeding, raising, selling and hunting of game birds clearly come within the purview of the Right to Farm Act (RTFA). The RTFA defines "farm," "farm operations," and "farm products" in MCL 286.472. The hunting of game birds on the defendant's property constitutes a "farm operation" because it involves the "harvesting of farm products." Deferring to the dictionary definition, Koontz, supra at 312, the verb "harvest" is generally defined as "to gather; reap; to gather the crop from; to catch or take for use; to harvest salmon from the river" Accordingly, the harvesting of the game birds on defendant's property is protected under the RTFA. Page six: Because "game birds" are a farm product addressed in the GAAMPs and "hunted chiefly for sport," it naturally follows that the commission contemplated hunting as a form of harvesting this farm product.

I would like to read the Commission of Agriculture's Resolution.

Where as several State Departments and the Appellant Court acknowledge game bird hunting preserves are an agricultural activity, we ask legislation to bring the General Property Tax Act into uniformity of other Michigan State Departments and Michigan's Courts by passing House Bill 4468.

Sincerely,



James E. Trinklein, President

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# STATE OF MICHIGAN



## DEPARTMENT OF AGRICULTURE

### MICHIGAN COMMISSION OF AGRICULTURE RESOLUTION COMMENDING MICHIGAN GAMEBIRD HUNTING PRESERVES

- WHEREAS, Michigan Gamebird Hunting Preserves are using over 60,000 acres of open space and farmland.
- WHEREAS, Gamebird Hunting Preserves provide farm access for the non-farm population by providing a safe sporting opportunity for hunting.
- WHEREAS, there are 262 Gamebird Hunting Preserves licensed by the Michigan Department of Natural Resources that are used by nearly 100,000 sportsmen and sportswomen.
- WHEREAS, Gamebird Hunting Preserves use over 700,000 birds annually from game bird producing farms.
- WHEREAS, the production of gamebirds for Gamebird Hunting Preserves use approximately 6,500 tons of feed annually.
- WHEREAS, Gamebird Hunting Preserves provide habitat for game as well as non-game animal species such as songbirds, eagles, and opossum.
- WHEREAS, Gamebird Hunting Preserves provide private sector supplemental income for family farms with a strong emphasis on stewardship.
- WHEREAS, the USDA supports the use of Conservation Reserve Program (CRP) acreage for Gamebird Hunting Preserves.
- WHEREAS, Gamebirds are included in the Michigan Right to Farm Generally Accepted Agricultural and Management Practices for the Care of Farm Animals.
- WHEREAS, Gamebird Hunting Preserves are an acceptable activity on farmland that is enrolled in the Farmland and Space Preservation Program (P.A. 116).
- THEREFORE, be it resolved that on the thirteenth day of June, two thousand and two, the Michigan Commission of Agriculture recognizes Gamebird Hunting Preserves as an agricultural activity and a value-added farm opportunity.

MICHIGAN COMMISSION OF AGRICULTURE  
Douglas Darling, Chair

Adopted June 13, 2002